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HOUSE BILL 515

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO LOCAL GOVERNMENT CORRECTIONS; EXPANDING THE  
MISDEMEANOR PENALTY ASSESSMENTS FOR COSTS OF LOCAL GOVERNMENT  
CORRECTIONS; PROVIDING FOR REDISTRIBUTION OF THE LOCAL  
GOVERNMENT CORRECTIONS FUND IN COUNTIES WITH A METROPOLITAN  
COURT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 33-3-25 NMSA 1978 (being Laws 1983,  
Chapter 134, Section 1, as amended) is amended to read:

"33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--  
ADMINISTRATION--DISTRIBUTION.--

A. There is created in the state treasury [a] the  
"local government corrections fund" to be administered by the  
administrative office of the courts.

B. All balances in the local government corrections

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1 fund are appropriated to the administrative office of the  
2 courts for payment to counties and municipalities [~~in counties~~  
3 ~~with a metropolitan court~~] for use by counties and [~~those~~]  
4 municipalities for county or municipal jailer or juvenile  
5 detention officer training; for the construction planning,  
6 construction, maintenance and operation of the county detention  
7 facility, municipal jail or juvenile detention facility; for  
8 paying the cost of housing county or municipal prisoners or  
9 juveniles in any detention facility in the state; for  
10 alternatives to incarceration; or for complying with match or  
11 contribution requirements for the receipt of federal funds  
12 relating to detention facilities, jails or juvenile detention  
13 facilities. Payments shall be made quarterly upon  
14 certification by the magistrate court or metropolitan court and  
15 the motor vehicle division of the taxation and revenue  
16 department of eligible amounts as provided in Subsection C of  
17 this section.

18 C. Each county shall be eligible for a payment in  
19 an amount equal to the costs and fees collected by a magistrate  
20 court or a metropolitan court and the motor vehicle division  
21 pursuant to offenses committed within the county and deposited  
22 in the local government corrections fund [~~provided, in a county~~  
23 ~~with a metropolitan court, the county shall be eligible for a~~  
24 ~~payment in an amount equal to costs and fees collected pursuant~~  
25 ~~to offenses committed within the boundaries of the~~

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1 ~~unincorporated areas of the county, and a municipality in that~~  
2 ~~county shall be eligible for a payment in an amount equal to~~  
3 ~~the costs collected pursuant to offenses committed within the~~  
4 ~~boundaries of the municipality].~~

5 D. Payments from the local government corrections  
6 fund shall be made upon vouchers issued and signed by the  
7 director of the administrative office of the courts upon  
8 warrants drawn by the secretary of finance and administration.

9 E. All money received by a county or a municipality  
10 pursuant to this section shall be deposited in a special fund  
11 in the county or municipal treasury and shall be used solely  
12 for:

13 (1) county or municipal jailer or juvenile  
14 detention officer training;

15 (2) the construction planning, construction,  
16 maintenance and operation of the county detention facility,  
17 municipal jail or juvenile detention facility;

18 (3) paying the cost of housing county or  
19 municipal prisoners or juveniles in any detention facility in  
20 the state;

21 (4) alternatives to incarceration; or

22 (5) complying with match or contribution  
23 requirements for the receipt of federal funds relating to  
24 detention facilities, jails or juvenile detention facilities."

25 Section 2. Section 66-8-116.3 NMSA 1978 (being Laws 1989,

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1 Chapter 318, Section 35, Laws 1989, Chapter 319, Section 14 and  
2 Laws 1989, Chapter 320, Section 5, as amended) is amended to  
3 read:

4 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL  
5 FEES.--In addition to the penalty assessment established for  
6 each penalty assessment misdemeanor, there shall be assessed:

7 A. in a county without a metropolitan court, twenty  
8 dollars (\$20.00) to help defray the costs of local government  
9 corrections;

10 B. in a county with a metropolitan court, ten  
11 dollars (\$10.00) to help defray the costs of local government  
12 corrections;

13 [~~B.~~] C. a court automation fee of ten dollars  
14 (\$10.00);

15 [~~C.~~] D. a traffic safety fee of three dollars  
16 (\$3.00), which shall be credited to the traffic safety  
17 education and enforcement fund;

18 [~~D.~~] E. a judicial education fee of two dollars  
19 (\$2.00), which shall be credited to the judicial education  
20 fund;

21 [~~E.~~] F. a brain injury services fee of five dollars  
22 (\$5.00), which shall be credited to the brain injury services  
23 fund; and

24 [~~F.~~] G. a court facilities fee as follows:  
25 in a county with a metropolitan court . . . . . \$24.00;

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1 in any other county . . . . . 10.00."

2 Section 3. Section 66-8-119 NMSA 1978 (being Laws 1968,  
3 Chapter 62, Section 159, as amended) is amended to read:

4 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

5 A. The division shall remit all penalty assessment  
6 receipts, except receipts collected pursuant to Subsections A  
7 through [F] G of Section 66-8-116.3 NMSA 1978, to the state  
8 treasurer for credit to the general fund.

9 B. The division shall remit all penalty assessment  
10 fee receipts collected pursuant to:

11 (1) Subsection A or B of Section 66-8-116.3  
12 NMSA 1978 to the state treasurer for credit to the local  
13 government corrections fund;

14 (2) Subsection [B] C of Section 66-8-116.3  
15 NMSA 1978 to the state treasurer for credit to the court  
16 automation fund;

17 (3) Subsection [C] D of Section 66-8-116.3  
18 NMSA 1978 to the state treasurer for credit to the traffic  
19 safety education and enforcement fund;

20 (4) Subsection [D] E of Section 66-8-116.3  
21 NMSA 1978 to the state treasurer for credit to the judicial  
22 education fund;

23 (5) Subsection [E] F of Section 66-8-116.3  
24 NMSA 1978 to the state treasurer for credit to the brain injury  
25 services fund; and

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(6) Subsection [F] G of Section 66-8-116.3  
NMSA 1978 to the state treasurer for credit to the court  
facilities fund."

Section 4. EFFECTIVE DATE.--The effective date of the  
provisions of this act is July 1, 2009.